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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/689,746	10/22/2003	Dae-Sung Han	1594.1294	4347

21171 7590 07/28/2004

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EXAMINER

PRICE, CARL D

ART UNIT	PAPER NUMBER
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3749

DATE MAILED: 07/28/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/689,746

Applicant(s)

HAN ET AL.

Examiner

CARL D. PRICE

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 10/22/03;03/01/04.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

## DETAILED ACTION

### Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

*This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).*

### Claims 1-9: Rejected under 35 U.S.C. 103(a)

Claims 1-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over JP '440 (Japanese 2001-120440) in view of Potts (U.S. Patent No. 1294159).

JP '440 discloses the invention substantially as set forth in the claims with possible exception to each grill pipe having an oval cross section with relative height and width dimensions in the range set forth in applicant's claims.

JP '440 shows a roasting grill supported above a heat source/cabinet and including water tanks (601) interconnected by downward/upward bent or inclined laterally extending water pipes (602).

Potts teaches, from the same roasting/cooking grill field of endeavor as JP '440, forming food-supporting grill pipes to have an oval cross section.

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In regard to claims 1-9, for the purpose of providing a suitable pipe cross section to, for example, limit the surface area each pipe contacts the food item supported thereon, it would have been obvious to a person having ordinary skill in the art to modify the cross section of the JP '440 pipes to be oval. In regard to claims 2-4, 6, 8 and 9, since the relative height and width dimensions of the tubes would necessarily depend on numerous design parameters such as the length of the pipes, operating temperature, pipe material, etc. to dimension the relative height and width of the JP '440 pipes according to the values set forth in applicant's claims can be viewed as nothing more than merely a matter of choice in design absent the showing of any new or unexpected results there from over the prior art of record.

**Claims 10, 11: Rejected under 35 U.S.C. 103(a)**

Claims 10 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over JP '440 (Japanese 2001-120440) in view of Potts (U.S. Patent No. 1294159) as applied to claim 7 above, and further in view of Siegel et al (U.S. Patent No. D479435).

JP '440 discloses the invention substantially as set forth in the claims with possible exception to the roaster grill having a laterally extending central and upwardly extending bent, or inclined, end portions forming a cradle or rack for supporting food items.

Siegel teaches, from the same the same roasting/cooking grill field of endeavor as JP '440, providing a roaster grill with laterally extending central (not referenced) and upwardly extending bent, or inclined, (not referenced) end portions forming a cradle or rack for supporting food items.

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In regard to claims 10 and 11, for the purpose of providing a cradle for food items supported thereon, it would have been obvious to a person having ordinary skill in the art to modify the central portion of the JP '440 pipes to be flat, in view of the teaching of Siegel.

**Conclusion**

*See the attached PTO FORM for prior art made of record that is not relied upon, which is considered pertinent to applicant's disclosure.*

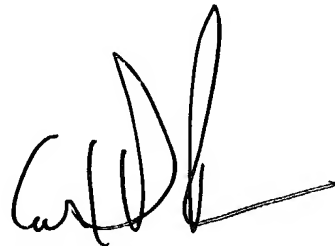
**USPTO CUSTOMER CONTACT INFORMATION**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Carl D. Price** whose telephone number is **(703) 308-1953**. The examiner can normally be reached on Monday through Friday, between the hours of **6:30 am** and **3:30 pm**.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Ira Lazarus** can be reached on **(703) 308-1935**. The fax phone number for the organization where this application or proceeding is assigned is **703-872-9306**.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (**PAIR**) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'Carl D. Price', with a long horizontal stroke extending to the right.

Carl D. Price  
Primary Examiner  
Art Unit 3749

cp